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Attn: Public Affairs Manager (Consumer & Corporate Affairs)

By E-Mail Attachment

**Regarding the PROPOSALS TO CONTAIN THE PROBLEM OF UNSOLICITED
ELECTRONIC MESSAGES**

Sir

I am jointly responding as an individual and as Chief Executive of EDIASIA Limited, a Hong Kong based Company.

Whilst I would certainly like to see far fewer unsolicited E-Mail messages in my inbox I do feel that anything that might be done to stop the sending of Unsolicited E-Mail messages from Hong Kong will be nothing more than a futile attempt to placate those who are demanding the total cessation of "spam".

The statistics of the E-Mails I personally received (including those at my workplace to E-Mail addresses that are in my personal charge) in a not untypical period of 7 weeks from 1st June to 19th July 2004 inclusive are:

- (A) Total E-Mails - 11711 an average of 239 per day
- (B) Advertising E-Mails received from accepted sources (See the note below) - 225
- (C) Newsfeeds or similar previously requested regular messages - 297
- (D) Completely unrequested E-Mails (my definition of "spam") - 8277

Note - By "accepted sources" I mean those where I had previously opted-in to receive E-Mail announcements/advertisements or had positively decided not to opt-out when offered the opportunity to do so when conducting some business with the organization involved. I do not consider a "remove me" option on most E-Mails to be a true opt-out offer as many are simply used to substantiate the existence of a live E-mail address

Thus you can see that 70.6% of the E-Mails that I receive are “spam”.

Of these 8277 “spam” messages:

- (i) I believe that only 119 (1.4%) originated in Hong Kong (or from Hong Kong based persons/organisations)
- (ii) 5254 (63.4%) appeared to be advertising services or products of a sexual and/or medical nature
- (iii) 21 (0.25%) messages were of interest to me and were followed up. 17 of these interesting messages were for travel related services and the remaining 4 for products that I considered for use within my business.

In my experience unsolicited E-Mail messages of an advertising nature from a reliable source are totally acceptable. These organizations will invariably remove one’s data from their lists if requested. The problem messages come from those people/organizations who will continue to make themselves beyond the reach of the law by basing their operations in places where controls are at best lax or by hiding behind clauses that suggest they are complying with relevant laws.

As a Hong Kong based company we use E-mail as a direct marketing method although we do so in the most ethical manner that we can. Apart from offering opt-out and only targeting individuals or companies that we feel might have an interest in our legitimate products we only make irregular mailings (2 or 3 times a year at most to any one person).

I am therefore very concerned that any legislation may well constrain my company, and others who carry reasonable marketing activities using E-Mail, although it would do nothing to stop, or even reduce, the high percentage of unwanted and unwarranted “spam”. I would respectfully suggest though that any Hong Kong organization sending out an unsolicited E-Mail should be required, by law, to:

- (a) Indicate that the message was unsolicited, and what it was referring to, by agreed terms in the subject line - eg. Advert for business services
- (b) Have demonstrable procedures in place to remove the recipient’s information from their databases or similar stores
- (c) Be a business registered with the Hong Kong Government
- (d) Only send messages on behalf of its own registered business.
- (e) Include (preferably in a footer) in each such message the business registration number, registered organization name and street address of the organization sending the unsolicited message
- (f) Similarly include in each message the source from where the sender originally obtained the E-Mail address to which the message is being sent

Whilst this would not stop “spam” it would at least offer me, and people like me, a greater ability to sort those messages that I do wish to receive from those that I wish to immediately discard as well as allowing legitimate organizations to use E-Mail as an ethical marketing tool.

As an aside, to me one very annoying aspect of advertising E-Mails, even those from trusted sources, is the use of language.

Although I have been based in Hong Kong for 15 years I am unfortunately still unable to read the Chinese language. There are I believe good reasons for this but these are irrelevant to my point. It does greatly annoy me though to receive E-Mails in Chinese, from trusted sources, that I cannot read. Invariably asking these organizations to only send advertising or similar E-Mails in English gets a response of "you can always find the English on our website". I could do that without an E-Mail and anyway if the E-mail is in Chinese I do not know whether or not I want to be bothered to look at the website. In other words a E-Mail from a trusted source becomes totally useless and is therefore truly "spam". Amongst the biggest culprits of this form of spam are the TDC and HKPC neither of whom are prepared to deal with requests for "English only" !

Yours faithfully

A handwritten signature in black ink, consisting of a stylized, cursive 'J' followed by a horizontal line that extends to the right and then curves back down to the left, ending in a small loop.

John Sanders
Chief Executive
EDLasia Limited